

PATENT

UNITED STATES PATENT AND TRADEMARK OFFICE

In re:	Daniel Baertschi et al.	Confirmation No.:	5005
Serial No.:	10/594,610	Examiner:	Jill E. Culler
Filing Date:	September 28, 2006	Group Art Unit:	2854
Docket No.:	1322.1130101	Customer No.:	28075
For:	INK FOUNTAIN FOR A PRINTING MACHINE		

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 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

CERTIFICATE FOR ELECTRONIC TRANSMISSION:

The undersigned hereby certifies that this paper or papers, as described herein, are being electronically transmitted to the U.S. Patent and Trademark Office on this 3rd day of May 2010.

By Kathleen L. Boekley
 Kathleen L. Boekley

Dear Sir:

Applicants request review of the final rejection in the above-identified application. No amendments are being filed with this Request.

This Request is being filed with a Notice of Appeal.

The review is requested for the reasons stated on the attached sheets of arguments.

This Request is signed by an attorney or agent of record.

Respectfully submitted,
 Daniel Baertschi et al.

By their Attorney,

Glenn M. Seager
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Date: May 03, 2010

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

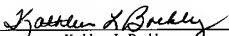
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PRE-APPEAL CONFERENCE BRIEF

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By 
Kathleen L. Boekley

Dear Sir:

Applicants submit that the Examiner's rejections contain at least the following clear errors and/or omissions of one or more essential elements needed for a prima facie rejection.

Claims 16-17 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Cartellieri, U.S. Patent No. 6,655,280 in view of Blackwell, U.S. Patent No. 5,778,785. Appellants appeal the rejection of these claims because all the claim elements are not taught or suggested by the references, either singly or in combination and because there is no motivation to combine the references as suggested.

For example, claim 16 recites "said ink fountain additionally comprising a blade which is interposed between said sectors and the circumference of the ink fountain roller." In the Office Action, elements 11-13 (Fig. 3) are said to correspond to said sectors, element 3 corresponds to the blade and element 1 corresponds to the roller blade. As is evident from Figures 3 and 4, and from the text of the specification, blade 3 of Cartellieri is not interposed between sectors 11-13 and screen roller 1. Cartellieri teaches that "metering elements 11, 12 and 13 are arranged very

close to a wiping edge of the working doctor blade 3, which bears on the screen roller 1, and projects from the inside of the working doctor blade 3.” Column 4, lines 10-14.

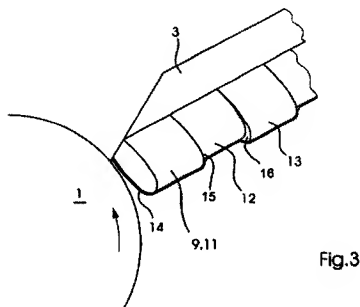


Fig.3

Cartellieri also teaches that “the metering elements 11, 12, 13, together with the circumferential surface 18, determin[e] different gap widths.” Column 4, lines 50-52. The circumferential surface is a circumferential surface of the screen roller 1. See column 4, lines 27-28.

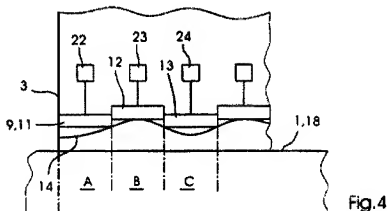


Fig.4

See generally column 2, line 64 through column 4, line 55. Figures 3 and 4 show and the corresponding portions of the specification teach that the metering elements 11, 12 and 13 are to one side of blade 3 and that the blade 3 is not interposed between the metering elements 11, 12 and 13 and the ink roller 1. To the contrary, Cartellieri teaches that if anything (besides ink) is

interposed between the metering elements and the ink roller, the ink metering system of Cartellieri could not function.

Therefore, Cartellieri does not teach an ink fountain as claimed. Moreover, Appellants have not found, nor has the Examiner asserted that any element of Blackwell corresponds to a blade holder that comprises a number of adjacent, adjustable sectors as claimed. Therefore, the cited art, singly or in combination, does not teach or suggest all the features of the claimed invention. When all the words in claim 16 are considered when judging the patentability of that claim against the cited art, it can be seen that that claim 16 is patentable over the cited art.

Further, Blackwell specifically provides that a hard-material coating (12), preferably a ceramic coating, is applied to the top (2) of the ink fountain blade (1) and "is located on the chamfer 5 and from there extends over part of the length of the individual blades 10." Column 3, lines 62-64. This is illustrated by Figures 3 and 4 of Blackwell.

In other words, Blackwell specifically and only provides that the ceramic coating be formed and deposited directly on top of the individual blades, or sectors, (10), so as to form individual deposits of ceramic coating on each sector.

There is consequently no suggestion in Blackwell to apply the ceramic coating to reinforce anything else than the extremities of the individual blades, or sectors, (10), still less as reinforcement of the continuous edge of the blade lying on top of the sectors as claimed.

It is therefore believed that the specific combination claimed in independent claim 16 of "An ink fountain...comprising a blade...wherein said blade rests along a plane [of the sectors] directly on a surface of said sectors...and includes a ceramic deposit to reinforce said continuous edge of the blade" is not suggested by or obvious over the cited prior art and is in consequent condition for allowance.

Dependent claims 18-20 were rejected under 35 U.S.C. §103(a) over Cartellieri in view of Blackwell as applied to claims 16-17 and 21 above and further in view of Fischer, U.S. Patent No. 5,662,043, and dependent claim 22 was rejected under 35 U.S.C. §103(a) over Cartellieri in view of Blackwell as applied to claims 16-17 and 21 above and further in view of Moetteli, U.S. Patent No. 4,773,327. As neither of these references remedies the deficiencies noted above with respect to independent claim 16, Appellants believe that these claims are also in condition for allowance.

Independent claim 23 was rejected under 35 U.S.C. §103(a) over Cartellieri in view of Blackwell and Moetteli. Because claim 23 recites "said ink fountain additionally comprising a

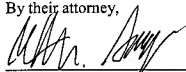
blade which is interposed between said sectors and the circumference of the ink fountain roller," Appellants believe that this claim is allowable for the reasons noted above with respect to claim 16.

For at least the reasons mentioned above, all of the pending claims are allowable over the cited prior art. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Daniel Baertschi et al.

By their attorney,



Date: May 03, 2010

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